

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

PCCP CONSTRUCTORS, JOINT VENTURE,)	
)	
<i>Plaintiff,</i>)	
)	No. 24-624 (Judge Hadji)
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
<i>Defendant.</i>)	
)	

JOINT MOTION TO STAY PROCEEDINGS

Plaintiff, PCCP Constructors, Joint Venture (“PCCP JV”) and Defendant, the United States (“the Government”), jointly request a stay of proceedings in this action for two years, until July 18, 2026, for the reasons described below. If this motion is denied, the parties request that the Court order the United States to respond to the complaint within 30 days of the denial.

This case is related to four other actions filed with the Court—*PCCP Constructors Joint Venture v. United States*, Nos. 24-645, 24-646, 24-647, 24-648 (Fed. Cl.)—and all five cases arise from work performed by PCCP JV on the Permanent Canal Closure and Pumps Project in New Orleans, Louisiana (the “Project”) under contract no. W912P8-12-C-0049 (the “Contract”) issued by the U.S. Army Corps of Engineers (“USACE”).¹

On April 21, 2023, USACE issued a claim and contracting officer’s final decision (“COFD”) against PCCP JV alleging that PCCP JV was contractually responsible for repair work necessary to remedy corrosion allegedly observed on certain project equipment. PCCP JV timely challenged the USACE COFD by complaint filed in this Court on April 19, 2024.

On June 4, 2024, the Government filed an unopposed motion for extension of time to file

¹ The parties are filing similar motions to stay proceedings in the other four actions.

its response to the PCCP JV complaint. The Court granted the Government's request on June 6, 2024, establishing July 18, 2024 as the Government's new response deadline.

As previewed in the Government's extension request, PCCP JV and USACE have reached agreement to resolve the COFD that gave rise to this action. That agreement, however, is contingent on PCCP JV's completion of certain tasks on the Project. Due to the nature of those tasks—which involve the sequential removal and re-installation of massive pumps and associated equipment—the agreed-upon work is not forecast to be completed until the spring of 2026. The pumps cannot be removed and re-installed all at once (or more quickly than currently planned) because they serve as critical flood protection for the City of New Orleans. For this same reason, none of the pumps can be out of service during hurricane season—which runs from June through November. PCCP JV's work is therefore largely restricted to the period between December 1 and May 31.

Ultimately, the parties anticipate PCCP JV will complete the agreed-upon work and USACE will issue a letter of acceptance on or before June 1, 2026, after which USACE will withdraw the COFD and this action will be rendered moot. But until such time as PCCP JV completes the agreed-upon work and USACE withdraws the COFD, PCCP JV must maintain this action to preserve its rights against the Government. For its part, although the Government considered various alternatives to a stay, the Government concluded that such alternatives would add further complexity and could endanger Government rights under the contract. Thus, the parties agree that the best course to facilitate a resolution of this case would be to stay the action to preserve their existing contractual rights while PCCP JV performs the agreed-upon work.

Absent a stay, the Court and the parties would be required to devote their resources to litigation, rather than to completing the negotiated resolution of the dispute. In light of these

circumstances, PCCP JV and the Government agree it is in the best interest of both parties, and in the interest of judicial economy, for this action to be stayed. *See Braswell v. United States*, 155 Fed. Cl. 148, 150 (2021) (“The Court must consider judicial efficiency and economy, determining whether a stay will resolve relevant issues and simplify the case.”).

Accordingly, the parties jointly request that the Court stay all proceedings in this action for two years, until July 18, 2026, to permit completion of the tasks set forth in the agreement between PCCP JV and USACE, and USACE’s subsequent withdrawal of the COFD. If this matter is not resolved before the expiration of the stay, the parties will submit a joint status report on or before July 18, 2026 proposing further proceedings. At the discretion of the Court, the parties are amenable to the institution of a regular status conference or status report, to apprise the Court of the parties’ progress toward final resolution.

If the Court denies this motion, we request that the Court order the Government to respond to the complaint within 30 days of its denial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Willis', with a large, stylized flourish at the end.

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